

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



**OFFICIAL WARNING  
VIOLATION OF FEDERAL REGULATIONS**

CASE NUMBER:  
MO120017-AC

VIOULATOR:  
Edward A. Cannon

ADDRESS (Street, City, State, ZIP Code):  
15212 Bootjack Trail  
Novinger, MO 63559

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following violation(s) of Federal Regulations:

**Date of Violation: July 21, 2011**

**9 C.F.R. § 2.40(b)(2)** Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary dental care to the dogs in your facility. On the above date, during an inspection APHIS observed:

1) A female Yorkshire Terrier (USDA tag # 097 27 555) with a brownish buildup on many teeth, gums that were a muddy red color, and a smooth, pea-shaped protrusion with a white-grayish center on its teeth;

2) A female Yorkshire Terrier (USDA tag #096 816 093) that was drooling with its tongue hanging out, and which had grayish-brown organic buildup on its teeth and swollen and red gums;,, and

3) A male Chihuahua (USDA tag #038 006 048) that was drooling with its tongue hanging out, and which had swollen, red gums and teeth encased in a grayish-colored organic material.

**Date of Violation: July 21, 2011**

**9 C.F.R. § 3.9(a)** Feeding.

(a) Dogs and cats must be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

You failed to ensure the food in your facility was uncontaminated, wholesome, and palatable. During an inspection on the above date, APHIS observed food, in four (4) primary enclosures housing a total of nine (9) dogs, that had begun to deteriorate, had a white to blackish mold growing on it, and/or had fecal material intermingled with dog kibble.

**Date of Violation: December 14, 2011**

**9 C.F.R. § 3.6(c)(1)(i)** Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

(c) Additional requirements for dogs—(1) Space.

(i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) × (length of dog in inches + 6) = required floor space in square inches.

Required floor space in inches/144 = required floor space in square feet.

You failed to provide adequate space within primary enclosures for dogs in your facility. During an inspection conducted on the above date, APHIS observed 5 dogs housed in primary enclosures that did not meet the minimum required space allocations as listed above.

**Date of Violation: December 14, 2011**

**9 C.F.R. § 3.6(a)(2)(ii)** Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements:

(a) General requirements

(2) Primary enclosures must be constructed and maintained so that they:

(ii) Protect the dogs and cats from injury

You failed to provide primary enclosures constructed in a manner to protect dogs from injury. During an inspection conducted on the above date, APHIS observed dogs sticking their heads through openings in the doors in their enclosures.

**Date of Violation: March 21, 2012**

**9 C.F.R. § 2.40(b)(2)** Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary to a dog in your facility. During an inspection conducted on the above date, APHIS observed one (1) adult dog with fecal matter matted into the hair around its anus. The matter was embedded deeply enough to the hair to cause inflammation and redness to the underlying skin.

**Date of Violation: February 12, 2013**

**9 C.F.R. § 2.40(b)(2)** Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary dental care to a dog in your facility. On the above date, during an inspection APHIS observed a white female Havanese (USDA microchip identification #073530305) with her tongue continually falling out of her mouth. Closer inspection revealed her teeth were coated with a tan to brown colored material, some completely encased. The gum line had receded to point where teeth roots were visibly exposed.

**Date of Violation: February 12, 2013**

**9 C.F.R. § 3.2(b) Indoor housing facilities.**

(b) Ventilation. Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is 85 °F (29.5 °C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

You failed to provide adequate ventilation for the whelping facility. On the above date, APHIS entered the whelping building and noted a distinct smell of ammonia, as well as a slight burning sensation in their noses.

The Animal and Plant Health Inspection Service (APHIS) created federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the violation(s) described above. Any further violation of these federal regulations may result in the assessment of a civil penalty, criminal prosecution, or other sanctions. If you have any questions concerning this Official Warning or violation(s), please contact the APHIS official listed in this notice.

<b>APHIS OFFICIAL (Name):</b> Robert J. Huttenlocker	<b>OFFICE ADDRESS:</b> 4700 River Road, Unit 85 Riverdale, MD 20737
<b>APHIS OFFICIAL (Title):</b> Director, Investigative and Enforcement Services	<b>DATE ISSUED:</b> 3/13/2013 <b>TELEPHONE NUMBER:</b> (301) 851-2948